

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FELTON L. MATTHEWS, JR.,)
vs. Plaintiff,) 3:03-CV-00432-ECR-VPC
vs.) DATE: January 13, 2012
EIGHTH JUDICIAL DISTRICT COURT,)
et al., Defendants.)

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE
Judicial Assistant: CANDACE KNAB Reporter: NONE APPEARING
Counsel for Plaintiff(s) NONE APPEARING
Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Now pending before the Court is Plaintiff's "Motion/Petition for Relief from PLRA '3 Strikes' Bar" (#29) on the basis of threat of immediate physical injury.

This Court dismissed (#19) Plaintiff's case on December 12, 2003. A previous Order (#14) of the Court found that Plaintiff had filed three complaints under 42 U.S.C. § 1983 *in forma pauperis* status, and precluded Plaintiff from commencing any new cases *in forma pauperis* except upon a showing of imminent danger or serious physical injury in accord with the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915(q).

A motion for relief from a PLRA three strikes order cannot be brought as part of a closed case. Further, the instant motion involves new separate claims that have occurred since the case was closed in 2003.

IT IS, THEREFORE, HEREBY ORDERED that Plaintiff's Motion (#29) is **DENIED** without prejudice as part of this case. The Plaintiff might desire to file a motion in a new separate claim and action for leave to file such a new

separate action notwithstanding the prior three strikes order (#14) against him. The new motion should include a copy of Plaintiff's proposed complaint for the new action, and if Plaintiff so desires, a motion for *in forma pauperis* waiver of the filing fee.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk